

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 12/6/2012

Action Requested By:
Legal

Agenda Item Type
Resolution

Subject Matter:

Invoke letter of credit.

Exact Wording for the Agenda:

Resolution authorizing the City Clerk-Treasurer to Invoke SouthBank Bank Letter of Credit No. 2004-203 for Parker Ridge Estates Subdivision.

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: 

Date: 11/29/2012

RESOLUTION NO. 12-_____

WHEREAS, SouthBank issued a certain letter of credit (No. 2004-203), a copy of which is attached hereto and incorporated herein by reference, including any amendments thereto, in favor of the City of Huntsville, Alabama pursuant to Article 5 of the Subdivision Regulations for the City of Huntsville, Alabama; and

WHEREAS, the letter of credit is due to be invoked and the proceeds used in accordance with said subdivision regulations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the City of Huntsville Clerk-Treasurer be and is hereby authorized to present for payment to SouthBank Letter of Credit No. 2004-203, prior to the expiration date thereof, with the language as specified in said Letter of Credit.

ADOPTED this the 6th day of December, 2012.

President of the City Council
of the City of Huntsville,
Alabama

APPROVED this the 6th day of December, 2012.

Mayor of the City of
Huntsville, Alabama

SOUTHBank

118 Jefferson Street
Huntsville, Alabama 35801

(256) 535-6000

IRREVOCABLE LETTER OF CREDIT (SIDEWALK BOND FOR ALL IMPROVEMENTS)

Beneficiary:

City of Huntsville
Clerk-Treasurer Office
P. O. Box 308
Huntsville, AL 35804
(hereinafter "CITY")

Applicant:

Nora E. Towns
Scenic Homes, Inc.
3316 Bob Wallace Ave., SW
Huntsville, AL 35805
(hereinafter "DEVELOPER")

Bank:

SOUTHBANK
118 Jefferson St.
Huntsville, AL 35801
(hereinafter "BANK")

RE: Article 5 SIDEWALK Letter of Credit for Parker Ridge Estates
Second addition, a Resubdivision of a Part of Tract 2 of Chapman Cove,
and a Resubdivision of Lot A of Saddletree Plat Book 17, Page 100,
and other lands.

LOC No: 2004-203
Amt: \$ 7,213.50
Date: November 8, 2011
Exp: December 15, 2012

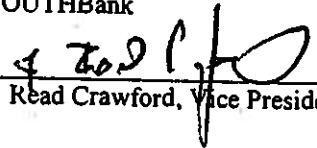
Gentlemen:

We hereby amend our Irrevocable Standby Letter of Credit No. 2004-203 as follows:

DS 11-16-11 Please extend validity to December 15, 2012.

W All other terms and conditions remain unchanged. This amendment is to be considered as part of this credit and must be attached thereto.

SOUTHBANK

11-18-11
OK
11-18-11
OK
CEH
11/21/11

J. Read Crawford, Vice President

SOUTHBANK

118 Jefferson Street
Huntsville, Alabama 35801

(256) 535-6000

S/W
9/11

IRREVOCABLE LETTER OF CREDIT (SIDEWALK BOND FOR ALL IMPROVEMENTS)

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Bank:

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RE: Article 5 SIDEWALK Letter of Credit for Parker Ridge Estates
Second addition, a Resubdivision of a Part of Tract 2 of Chapman Cove,
and a Resubdivision of Lot A of Saddletree Plat Book 17, Page 100,
and other lands.

LOC No: 2004-203

Amt: \$ 7,213.50

Date: December 14, 2010

Exp: December 15, 2010

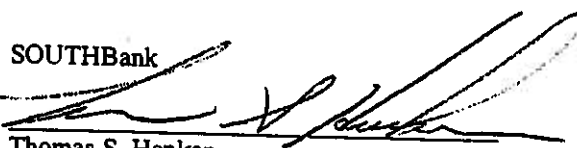
Gentlemen:

We hereby amend our Irrevocable Standby Letter of Credit No. 2004-203 as follows:

Please extend validity to December 15, 2011.

All other terms and conditions remain unchanged. This amendment is to be considered as part of this credit and must be attached thereto.

SOUTHBANK


Thomas S. Henken
Executive Vice President

MW 12-20-10

DB 12-21-10

GA KCA
12/22/10

OK
CEH
1/3/2011



118 Jefferson Street
Huntsville, Alabama 35801
www.southbank.com
(256) 535-6000

*SLW
et*

IRREVOCABLE LETTER OF CREDIT
(SIDEWALK BOND FOR ALL IMPROVEMENTS)

Beneficiary:

City of Huntsville
Clerk-Treasurer Office
P. O. Box 308
Huntsville, AL 35804
(hereinafter "CITY")

Applicant:

Nora E. Towns
4090 High Mountain Rd.
Huntsville, AL 35811

(hereinafter "DEVELOPER")

Bank:

SOUTHBank
118 Jefferson St.
Huntsville, AL 35801

(hereinafter "BANK")

RE: Article 5 SIDEWALK Letter of Credit for Parker Ridge Estates
Second addition, a Resubdivision of a Part of Tract 2 of Chapman Cove,
and a Resubdivision of Lot A of Saddletree Plat Book 17, Page 100,
and other lands.

LOC No: 2004-203
Amt: \$7,213.50
Date: October 7, 2009
Exp: December 15, 2010

Gentlemen:

We hereby amend our Irrevocable Standby Letter of Credit No. 2004-203 as follows:

Please amend the above Letter of Credit by extending validity to December 15, 2010.

All other terms and conditions remain unchanged. This amendment is to be considered as part of this credit and must be attached thereto.

SOUTHBank

Terri L. Nicholson
Terri L. Nicholson
Vice President

*OK
CEH
10/22/09*

OK OKC 10/16/09 OK KCA



118 Jefferson Street
Huntsville, Alabama 35801
www.southbank.com
(256) 535-6000

IRREVOCABLE STANDBY LETTER OF CREDIT NO. 2004-203

Date: December 15, 2008

LOC Number: 2004-203

Beneficiary

City of Huntsville
Clerk-Treasurer Office
PO Box 308
Huntsville, AL 35804

Applicant:

Nora E. Towns
4090 High Mountain Rd.
Huntsville, AL 35811

Bank:

SOUTHBANK
118 Jefferson St.
Huntsville, AL 35801

RE: Article 5 SIDEWALK Letter of Credit for Parker Ridge Estates Second addition, a Resubdivision of a Part of Tract 2 of Chapman Cove and a Resubdivision of Lot A of Saddletree Plat Book 17, Page 100 and other lands.

Amount: \$7,213.50

Issue Date: 12/15/08

Expiration Date: 12/15/09

Gentlemen:

We hereby issue our Irrevocable Standby Letter of Credit in your favor for the account of Nora E. Towns, effective December 15, 2008 for a sum not to exceed the aggregate of Seven Thousand, two hundred thirteen and 50/100 (\$ 7,213.50) dollars available by your one or more drafts at SIGHT on us.

All draft(s) drawn under and in compliance with the terms of this Credit prior to the expiration thereof will be duly honored if drawn and presented for payment to SOUTHBANK in Huntsville.

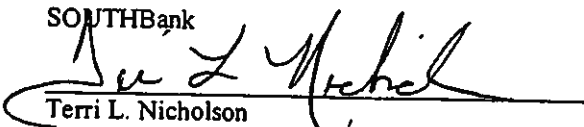
Each draft must be accompanied by a statement signed by a representative of the City of Huntsville, Alabama stating that the draw is being made pursuant to Article 5 of the Subdivision Regulations.

THE ORIGINAL OF THIS LETTER OF CREDIT MUST BE PRESENTED WITH ANY DRAWING.

We hereby engage with you that drafts drawn under and in compliance with the terms of the credit will be duly honored upon presentation and deliver of the documents as specified.

This Letter of Credit shall be governed by the laws of the State of Alabama, including but not limited to the Alabama Uniform Commercial Code, as the same may be from time to time amended.

SOUTHBANK


Terri L. Nicholson
Vice-President

OK
CEIT
11/9/09

2 OK 12/29/08



SW
9/11

118 Jefferson Street
Huntsville, Alabama 35801

William T. Morrow
Executive Vice President
Tel (256) 519-3233
FAX: (256) 519-3211

**IRREVOCABLE LETTER OF CREDIT
(SIDEWALK BOND FOR ALL IMPROVEMENTS)**

Beneficiary:
City of Huntsville
Clerk-Treasurer Office
P. O. Box 308
Huntsville, AL 35804
(hereinafter "CITY")

Applicant:
Nora E. Towns and
Scenic Homes, Inc.
3316 Bob Wallace Ave., SW
Huntsville, AL 35805
(hereinafter "DEVELOPER")

Bank:
SOUTHBank
118 Jefferson St.
Huntsville, AL 35801
(hereinafter "BANK")

RE: Article 5 SIDEWALK Letter of Credit for Parker Ridge Estates
Second addition, a Resubdivision of a Part of Tract 2 of Chapman Cove,
and a Resubdivision of Lot A of Saddletree Plat Book 17, Page 100,
and other lands.

LOC No: 2004-203
Amt: \$14,427.00
Date: October 11, 2007
Exp: December 15, 2008


Gentlemen:

We hereby amend our Irrevocable Standby Letter of Credit No. 2004-203 as follows:

Please extend validity to December 15, 2008.

All other terms and conditions remain unchanged. This amendment is to be considered as part of this credit and must be attached thereto.

SOUTHBank


William T. Morrow
Executive Vice President

OK
CEP
10/19/07



118 Jefferson Street
Huntsville, Alabama 35801

William T. Morrow
Executive Vice President
Tel (256) 519-3233
FAX: (256) 519-3211

**IRREVOCABLE LETTER OF CREDIT
(SIDEWALK BOND FOR ALL IMPROVEMENTS)**

Beneficiary:

City of Huntsville
Clerk-Treasurer Office
P. O. Box 308
Huntsville, AL 35804
(hereinafter "CITY")

Applicant:

Nora E. Towns
Scenic Homes, Inc.
3316 Bob Wallace Ave., SW
Huntsville, AL 35805
(hereinafter "DEVELOPER")

Bank:

SOUTHBank
118 Jefferson St.
Huntsville, AL 35801
(hereinafter "BANK")

RE: Article 5 SIDEWALK Letter of Credit for Parker Ridge Estates
Second addition, a Resubdivision of a Part of Tract 2 of Chapman Cove,
and a Resubdivision of Lot A of Saddletree Plat Book 17, Page 100,
and other lands.

LOC No: 2004-203
Amt: \$14,427.00
Date: November 15, 2006
Exp: December 15, 2007

Gentlemen:

We hereby amend our Irrevocable Standby Letter of Credit No. 2004-203 as follows:

Please extend validity to December 15, 2007.

All other terms and conditions remain unchanged. This amendment is to be considered as part of this credit and must be attached thereto.

SOUTHBank


William T. Morrow
Executive Vice President

OK WK 12-7-6

NW 12-7-06

OK CCH 12/7/06

OK
OK
12/18/06

SOUTHBANK

118 Jefferson Street
Huntsville, Alabama 35801

William T. Morrow
Executive Vice President
(256) 519-3233
FAX: (256) 519-3211

*Sidewalk
ext*

IRREVOCABLE STANDBY LETTER OF CREDIT

Date: December 9, 2004

Credit Number: 2004-203

BENEFICIARY: City of Huntsville
Clerk-Treasurer Office
PO Box 308
Huntsville, AL 35804

AMOUNT: \$14,427.00
EXPIRATION: December 9, 2006

RE: Article 5 **SIDEWALK** Letter of Credit for Parker Ridge Estates Second addition, a Resubdivision of a Part of Tract 2 of Chapman Cove and a Resubdivision of Lot A of Saddletree Plat Book 17, Page 100 and other lands.

Gentlemen:

We hereby issue our Irrevocable Standby Letter of Credit in your favor for the account of Scenic Homes, Inc & Nora E. Towns, effective December 9, 2004 for a sum not to exceed the aggregate of Fourteen thousand, four hundred twenty-seven and no/100 (\$14,427.00) dollars available by your one or more drafts at SIGHT on us.

All draft(s) drawn under and in compliance with the terms of this Credit prior to the expiration thereof will be duly honored if drawn and presented for payment to SOUTHBANK in Huntsville.


Each draft must be accompanied by a statement signed by a representative of the City of Huntsville, Alabama stating that the draw is being made pursuant to Article 5 of the Subdivision Regulations.

THE ORIGINAL OF THIS LETTER OF CREDIT MUST BE PRESENTED WITH ANY DRAWING.

We hereby engage with you that drafts drawn under and in compliance with the terms of the credit will be duly honored upon presentation and deliver of the documents as specified.

This Letter of Credit shall be governed by the laws of the State of Alabama, including but not limited to the Alabama Uniform Commercial Code, as the same may be from time to time amended.

SOUTHBANK


William T. Morrow
Executive Vice-President

O.K. SCW 1/5/05

O.K. JN 1/7/05

O.K. EMTB 1/11/05

OK Lyle

KCA 1/11/05

OK

CEK CLK-Treas.

1/27/05

SOUTHBank

Cashier's Check

Date 12/23/08

079842

SCENIC HOMES/JAMES PACKARD
1001-50-2004-203

Branch 7506

**PAY
TO THE
ORDER OF**

EXACTLY \$7,213 AND 50/100 DOLLARS

\$7,213.50

CITY OF HUNTSVILLE ALABAMA

[Signature]
TWO SIGNATURES REQUIRED IF OVER \$5,000
VOID AFTER 180 DAYS

SOUTHBank

Cashier's Check

079842

City of Huntsville
CITY OF HUNTSVILLE
City Treasurer's Dept. 055
15803-1 12/23/2008 2
1 Dec23,2008 03:54 PM

); SCENIC HOMES INC

- PERFORMANCE BONDS \$7,213.50
n Nbr: 083580301 0033 0051
it'1 Info: PARKER RIDGE ESTATES SUB
01-0000-2251-0000 \$7,213.50

PACKARD
- 203

ALABAMA

BRANCH: 7506
ORIGINATOR: B75CHAWKIN
TIME: 14:02:30
CK AMT: \$7,213.50
FEE AMT:
TOTAL: \$7,213.50

ITEM(S): TOTAL: \$7,213.50

NON-NEGOTIABLE

* GF (Chk# 0000079842) \$7,213.50
al Received: \$7,213.50

thk You!

*****CUSTOMER COPY*****